
OLR Bill Analysis

sHB 5347 (as amended by House “A” and “B”)*

AN ACT CONCERNING THE REPORTING OF CHILDREN PLACED IN SECLUSION.

SUMMARY:

This bill requires local school boards and other entities providing special education to children, when recording instances when seclusion or restraints are used on a child, to indicate whether the use of seclusion was in accordance with the child’s individualized education program (IEP) or whether the use of either action was an emergency.

Under the bill, these entities cannot be required to report instances of in-school suspensions, as defined in the state’s education law.

The bill also requires, rather than allows, the State Board of Education (SBE) to review the information on seclusion and restraints and summarize it, including whether such actions result in physical injuries to the child. The SBE must provide these summaries annually to the Children’s Committee for inclusion in the children’s report card.

*House Amendment “A” (1) requires that the compilation and summary indicate only when seclusion, not restraints, was used in accordance with an IEP and (2) sets a deadline for the first SBE report and changes from October 1 to December 15 the deadline for ongoing reports.

*House Amendment “B” specifies that the local and regional school boards, institutions, and facilities do not have to report on in-school suspensions.

EFFECTIVE DATE: July 1, 2012

USE OF RESTRAINTS AND SECLUSION WITH CHILDREN RECEIVING SPECIAL EDUCATION SERVICES

Local Compilation of Data

By law, each local or regional school board, institution, and facility that provides special education to a child must record (1) each instance when physical restraint or seclusion is used on a child and (2) the nature of the emergency that necessitated the action and include the information in an annual compilation for the state. Under the bill, these entities must also specify whether the use of seclusion was in accordance with a child's IEP, or whether the use of seclusion or restraints was an emergency.

Under the bill, the entities are also required, rather than given the option, to report to the SBE any instance in which the use of a restraint or seclusion results in the child's physical injury.

SBE to Issue Summary Report

The bill requires, rather than allows, the SBE to review these compilations and provide annual summaries identifying the frequency with which restraints and seclusion were used. And it requires the board to include in the summary (1) the information about being part of an IEP in the case of seclusion or an emergency in either action and (2) instances in which the use of restraints or seclusion resulted in the child's physical injury.

The SBE must submit the summary report by February 15, 2013, and by December 15 of each year thereafter to the Children's Committee for inclusion in the General Assembly's annual report card on children's well-being.

BACKGROUND

Use of Seclusion or Restraints on Children

By law, special education children generally may not be involuntarily placed in seclusion except (1) as an emergency intervention to prevent immediate or imminent injury to the child or others or (2) their IEP provides for such. The special education providers listed above must notify the child's parents or guardians of each incident in which a child is placed in seclusion or a physical restraint is used (CGS § 46a-152 (b)).

In-School Suspension

The law defines an in-school suspension as exclusion from regular classroom activity for no more than 10 consecutive days, but not exclusion from school, provided such exclusion does not extend beyond the end of the school year in which the suspension is imposed (CGS §10-233a (c)).

Children's Report Card

The Select Committee on Children is required by law to maintain an annual report card on the progress of state policies and programs promoting child well-being.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 8 Nay 0 (03/08/2012)

Education Committee

Joint Favorable
Yea 31 Nay 0 (03/23/2012)

Appropriations Committee

Joint Favorable
Yea 52 Nay 0 (04/23/2012)